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Attorney for Plaintiff CHARLES HOGARTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CHARLES HOGARTY,

Plaintiff,

v.

NEC CORPORATION OF AMERICA, ET AL.

Defendants.

Case No. 3:08-cv-00677-DMS-BLM  
Class Action

JOINT MOTION FOR EXTENSION  
OF TIME FOR DEFENDANT NEC  
CORPORATION OF AMERICA TO  
RESPOND TO THE COMPLAINT

The Honorable Dana M. Sabraw

PLEASE TAKE NOTICE that Defendant NEC Corporation of America ("Defendant") and Plaintiff Charles Hogarty ("Plaintiff") hereby jointly move the Court for an order allowing Defendant an extension of time in which to file a responsive pleading to Plaintiff's Complaint until May 30, 2008. Pursuant to Rule 6 of the Civil Pretrial & Trial Procedures of Judge Dana M. Sabraw, counsel for Defendant and Plaintiff have conferred regarding a potential Rule 12(b) motion that NEC may file regarding transfer of venue. Discussions regarding this potential motion are ongoing and may resolve the issues surrounding venue.

1 Accordingly, the instant request for an extension of time is supported by good cause, and  
2 the parties believe that it is in the interest of judicial economy to grant the extension of time.

3 Dated: April 25, 2008

MORRISON & FOERSTER LLP

5 By: s/ Daniel P. Westman  
6 Daniel P. Westman,

7 Attorney for Defendant  
8 NEC CORPORATION OF AMERICA

9 Dated: April 25, 2008

THIERMAN LAW FIRM

11 By: s/Mark R. Thierman  
12 Mark R. Thierman,

13 Attorney for Plaintiff  
14 CHARLES HOGARTY